UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS **GALVESTON DIVISION**

Plaintiff, V. POST ADVISORY GROUP, LLC and LORD ABBETT BOND-DEBENTURE FUND, INC., and U.S. BANK NATIONAL ASSOCIATION, solely in its capacity as Indenture Trustee under that certain Indenture on behalf of all Holders of Landry's Restaurants, Inc.'s 7.50% Senior Notes Due 2014,	LANDRY'S RESTAURANTS, INC.,	§	
v. POST ADVISORY GROUP, LLC and LORD ABBETT BOND-DEBENTURE FUND, INC., and U.S. BANK NATIONAL ASSOCIATION, solely in its capacity as Indenture Trustee under that certain Indenture on behalf of all Holders of Landry's Restaurants, Inc.'s 7.50% Senior Notes Due 2014, NO. 3:07-CV-00406 NO. 3:07-CV-00406 S NO. 3:07-CV-00406 NO. 3:07-CV-00406 NO. 3:07-CV-00406 S NO.		§	
POST ADVISORY GROUP, LLC and LORD \$ NO. 3:07-CV-00406 ABBETT BOND-DEBENTURE FUND, INC., \$ and U.S. BANK NATIONAL ASSOCIATION, \$ solely in its capacity as Indenture Trustee under that certain Indenture on behalf of all Holders of Landry's Restaurants, Inc.'s 7.50% Senior Notes Due 2014, \$	Plaintiff,	§	
POST ADVISORY GROUP, LLC and LORD \$ NO. 3:07-CV-00406 ABBETT BOND-DEBENTURE FUND, INC., \$ and U.S. BANK NATIONAL ASSOCIATION, \$ solely in its capacity as Indenture Trustee under that certain Indenture on behalf of all Holders of Landry's Restaurants, Inc.'s 7.50% Senior Notes Due 2014, \$	·	8	
POST ADVISORY GROUP, LLC and LORD \$ NO. 3:07-CV-00406 ABBETT BOND-DEBENTURE FUND, INC., \$ and U.S. BANK NATIONAL ASSOCIATION, \$ solely in its capacity as Indenture Trustee under that certain Indenture on behalf of all Holders of Landry's Restaurants, Inc.'s 7.50% Senior Notes Due 2014, \$	V.	8	
ABBETT BOND-DEBENTURE FUND, INC., and U.S. BANK NATIONAL ASSOCIATION, solely in its capacity as Indenture Trustee under that certain Indenture on behalf of all Holders of Landry's Restaurants, Inc.'s 7.50% Senior Notes Due 2014,	**	8	
ABBETT BOND-DEBENTURE FUND, INC., and U.S. BANK NATIONAL ASSOCIATION, solely in its capacity as Indenture Trustee under that certain Indenture on behalf of all Holders of Landry's Restaurants, Inc.'s 7.50% Senior Notes Due 2014,	POST ADVISORY GROUP LLC and LORD	8	NO 3:07-CV-00406
and U.S. BANK NATIONAL ASSOCIATION, \$ solely in its capacity as Indenture Trustee under \$ that certain Indenture on behalf of all Holders of \$ Landry's Restaurants, Inc.'s 7.50% Senior \$ Notes Due 2014, \$		8	110. 5.07 61 00100
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that certain Indenture on behalf of all Holders of \$ Landry's Restaurants, Inc.'s 7.50% Senior \$ Notes Due 2014, \$ \$	•	8	
Landry's Restaurants, Inc.'s 7.50% Senior Notes Due 2014,		8	
Notes Due 2014, § §		8	
§ §	Landry's Restaurants, Inc.'s 7.50% Senior	§	
§ §	Notes Due 2014,	§	
§ §		§	
		§	
Defendants, §	Defendants,	§	

PLAINTIFF'S MOTION TO DISMISS WITH PREJUDICE

Plaintiff, Landry's Restaurants, Inc. files this Motion to Dismiss with Prejudice, stating as grounds therefore that the parties have reached a settlement of their disputes in this Cause.

Plaintiff respectfully requests that the Court dismiss this Cause with prejudice.

Respectfully submitted, DATED: August 28, 2007

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing document was served, via facsimile, this 29th day of August, 2007, to the following parties:

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